

Development and Engineering Advisory Board Meeting
June 2, 2022
2:30pm – 4:30pm
Public Service Center
Meeting held by Microsoft Teams and In Person

Board members in attendance: James Howsley, Andrew Gunther, Eric Golemo, Seth Halling, Mike Odren, Dan Wisner, Sherri Jones, Nick Flagg

Board members not in attendance: Terry Wollam, Jeff Wriston, Don Russo

County Staff: Brent Davis, April Furth, Kylah Bergen, Jennifer Reynolds, Dianna Nutt, Ted Vanegas, Jacob Harner, Rod Swanson, Megan Coomes

Public: Kim Hamlik, Noelle Lovern, Justin Wood

Call to Order: 2:31pm

Administrative Actions:

- Introductions
- DEAB meeting is being recorded and the audio will be posted on the DEAB website.
- Review/adopt last month's minutes (adopted)
- Review upcoming events:
 - COUNTY COUNCIL - Buildable Lands Report public hearing June 7, 10am
 - WORK SESSIONS - None
 - PLANNING COMMISSION – None
- Commercial Industrial Development position advertised and closing June 21, with one candidate interested
 - Mike Odren expressed interest to have an architect in that position/on the board
- DEAB member announcements:

April Furth

- ePlan is being introduced on June 13 with about a three-month implementation
 - We still have LMS and are not integrating the two systems right away
 - We are looking at all our processing from Development Engineering, Land Use, and the Permit Center to streamline the system
 - It will probably be a month or two of learning curve
 - It is the same system as the City of Vancouver to try to help with consistency for our teams
 - Intake appointments will continue to be via Teams reducing processing times
- Effective June 1, stormwater 1-5 is now going through Development Engineering with a \$345.00 fee

Mike Odren

- Certification of landscape installation on subdivisions discussion with April Furth last month, specifically for the buffer landscaping

- Decided the subdivision right of way landscaping needs to be installed prior to final plat but single-family residential lots are installed at time of the house construction and needs a landscaping certification prior to occupancy
- Buffer landscaping that previously had to be installed prior to final plat recording in which subsequently got damaged, destroyed or died during construction of the house and needed to be replanted will now go through the same landscape certification process as we go through for street trees process that he and Dianna set up years ago to where the contractor will send us pictures of the tree as well as the lot or address it is on and he can double check against the final landscape plan and on GIS to confirm that is the exact lot and what kind of tree it is as well as the size of the tree and certify it that way without having to make an individual site visit for each single lot that needs to be certified.
- A similar process will be done with the buffer landscaping also.

Eric Golemo

- Attended/watched Council Board work session for vacant buildable lands model
 - Motion passed to use achieved density (UGA) instead of projected density or zones
 - In the City of Vancouver, they are averaging in the development area 18 units per acre and the projection is 8 moving forward which skews density
 - What are the ramifications of using that to project forward?
 - Shows that we are not going to need new land to meet our needs
 - It puts people in apartments instead of having the opportunity for home ownership and the potential for generational wealth
 - Development of downtown core is not affordable, very expensive to develop, very expensive units and doesn't fulfill that affordability item that we need in our community
 - Houses are also not available. We don't have the right zone for them and based on this new finding of using 18 units per acre in the remaining Vancouver urban growth boundary it cuts down the need for additional land in other areas which would fulfill other needs.
 - City of Vancouver has not expanded their urban growth boundary since adoption of the last growth plan, so we have not seen that development yet and it skews the numbers saying that we don't need any more land
 - In the past, they used projections based on the zoning, not based on what has been developed. They didn't have much the last urban growth plan, so we have a huge shortage, especially in the City of Vancouver. All that is available is multi-family land and basically commercial areas so we're building mid-rise apartments to house our future population instead of homes.
 - We need to still have those single-family garden style apartments that we see out in Orchards or north Salmon Creek. Those kinds of needs are still valid and shouldn't be cannibalized by just mid-rise apartments in the downtown area.
 - The hearing is Tuesday, and it could have significant ramifications if they move forward with that for the direction of our community in the future

James Howsley

- The latest Washington Administrative Code (WAC 365-196-315) is supposed to account for market conditions and housing and the board is not harmonizing both of those

obligations. Policy decisions were made in this work session without having it be in a public forum for comment.

- 5A II states that you should compare achieved densities but above it states you're also supposed to look at the nexus between what you assume the zoning is and what you may be seeing on the ground.
- Next DEAB meeting July 7
 - Mike Odren will not be attending
 - No agenda items from staff
 - Odren believes it is time to start looking at the workplan
 - Will email to confirm everybody's availability
- Will extend invitation to Dave Howe, who is now the regional program manager for the Department of Fish and Wildlife, to have them come in to give us an update on what they're working on since we're moving into the grading management plan update
- Will have direction from the board next week on the buildable lands report

Landscaping and Recreation Space Interim Ordinance

April Furth

- Furth will be talking to Council early next week about it and will have an update early to mid-next week
- Golemo would like to know how to move forward with a project currently caught up in draft status due to these conditions, Furth and legal are looking into it and will get back mid-next week
- Furth will be sending these updates in an email responding back to the original DEAB member chain

Biannual Code Amendment Items

April Furth

- The first bi-annual code amendments, because there are so many, we're doing the scrivener errors first because we've never done them before.
 - Planning has always done it in the past and now Community Development is going to be doing for the first time so we will do the easy ones first, learn the process, and then we'll tackle the more difficult ones.

Mike Odren

- Immediacy of the multi-family landscape item we're currently going through
- Section 4200-040 C1B needs to be amended to either include the four missing zones (RC 1, the RC 2.5, the CR 1, and the CR 2) or to simply say rural zones.
 - Rural zone lot area is calculated to middle of the right of way or 30-foot width, whichever is less
 - Code as it reads, if you look on the 4200-040 minimum/maximum calculations, it talks about the urban area except for the UH(?) zones, excludes the street's right of way and then in B it talks about specific zones.
 - Missing from that section is the RC 1, the RC 2.5, the CR 1, and the CR 2 zones.

- We had to get an opinion from a Land Use attorney, and we finally got a response from the planner on this project that they, it seems that legal counsel here at the county has agreed that the right of way is calculated in the RC1 and RC2.5 zones. They were silent on the CR1 and CR2 zones.
- Urban holding section could be included as a standalone
 - Even though that's an urban zone it's still identified up above as except for urban holding zones.
 - Probably hasn't come up because there's not a lot of CR and RC zoning in the county but it needs to be clarified.
- Similar code section be added to unified development code as City of Vancouver 2255-040
 - "The purpose of this is each area of land is some degree unique as to its suitability for and constraints on development, development standards and procedures imposed under this zoning code cannot foresee all conceivable situations peculiar to the development of every property, every moment but are designed as standards applicable to most situations. It is the intent of the adjustment to provide flexibility, adaptability, and reasonableness... Planning official authority, in the event that strict application of a development standard or procedural requirement of this title would result in unforeseen consequences or an excessive burden given the nature of the proposed development, the planning official is authorized to make minor adjustments in said standard or procedure upon making a written finding that no person of average sensibilities would be negatively impacted by such an adjustment and that said adjustment would be consistent with the spirit and intent of this title and the comprehensive plan. No adjustment shall allow a use otherwise not permitted for the subject property nor shall a minor adjustment be used in place of a variance procedure or applicable. A planning official shall maintain a record of such decision and associated findings and periodically forward them to the planning commission for their information."
 - Thinks it would speed things up a little bit as far as getting some answers.
- Side setbacks related to eaves and gutters on buildings - get it established and memorialized that building setbacks from other buildings are, even from property lines, are from the building walls, not from the eaves.
 - Cole's Landing setback was being measured by staff from the eaves rather than from the wall
 - Code specifically states that the eaves, cornices, and several different things can increase, encroach into the side yard setback by up to 2-feet.
 - We just want to make sure that as building permits are coming in for not only this project but for other projects that have established setbacks either on the face of the plat or whether they have building envelopes or indicated in the decision that those are being measured from the building walls to the property line or from the building walls to building walls, not from the farthest projection on the building
 - Golemo - There's another similar issue that comes up with that same interpretation and that's when there's an easement, especially a drainage easement, that is in the setback that was intended to be basically between the buildings and the setbacks. What about habitat buffers?
 - Furth will check with Dan and Jim to make sure that they understand that the building setbacks are not from the closest element, that they're measured from

the walls and that there's a separate code section that regulates what can encroach the side, front or rear yard setbacks.

- Code Enforcement standpoint where client builds something, it doesn't meet setbacks, how do you resolve it? Boundary line adjustment? No-build easement? Non-exclusive easement? Exclusive easement which would effectively not allow the neighboring property to use that easement at all, effectively moving the property line?
- What this should come down to is the health, safety, and welfare of the public and protection of said health, safety, and welfare.
- One of these solutions could be a variance procedure and changing the variance language.
 - Type II review for variance and A. states more than 10% and up to including 25% and then B. it says up to 10% on more than one lot and then we have a new section C. which reads that the review authority may permit and authorize a variance from the requirements of this title only when unusual circumstances cause undue hardship in the application of this title. A Type II variance of this type shall be made only when all the following conditions and facts exist. There are five. Unusual circumstances or conditions apply to the property and/or to the intended use that do not apply generally to the other properties in the same vicinity or district and such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district and the authorization of such variance will not be materially detrimental to the public welfare or injurious to the properties in the vicinity or district in which it is located and that granting such a variance will not adversely affect the realization of the comprehensive plan. Should an objection to the variance request be filed, we would move to a Type III process as specified above.
- Howsley - Introduce a modicum of reasonableness in the county code because it makes no sense for the county to require a structure of significant value to be torn down and yet that is where the code is going to lead you to. This variance procedure would be a method of giving some authority and discretion to the Community Development director to make those calls on an equitable basis.

Eric Golemo

- Cottage code - Previous motion from this board regarding an issue with the interpretation of the cottage garages having to count against the square
 - Code was pulled from another jurisdiction that happened to use a term that we had in our code defined for something else
 - Davis believes it may need to be coordinated with the housing options, studies, and action plan because there may be some cross-over there.
 - Furth will follow-up with Oliver to see if this item will be included this time around.

Seth Halling

- Road mods with sight distance across corner lots and the driveways and being able to park in those.

- DEAB previously came up with proposed language a couple of years ago
- Odren will forward language to Jennifer Reynolds as she is writing up that specific code change

Dan Wisner

- Calculation of maximum density 4220-020-6D
 - If you calculate maximum density on apartments, you don't have to include any of the site roads. If you're proposing townhouses, then you must subtract for proposed right of ways.
 - The code reads maximum density shall be calculated based upon the gross area of the site excluding public right of way or street easements
 - It should say existing public right of way or street easements because that's how it is interpreted for apartments because it's all internal stuff.

Mike Odren will compile the biannual code amendment change proposals in a document so that staff the change and the rationale.

Eric Golemo

- Continued discussion from previous meeting on digital vs. electronic stamps, confusion on the difference between the two
- Request that Jennifer Reynolds email DEAB an example of what can and cannot be accepted so that all are on the same page

Public Comments:

Noelle Lovern

- I'm the new government affairs director for the BIA of Clark County. I'm here just learning a lot and immersing myself in all this information. I come from a background in government affairs but not in the building industry. I've done some work with healthcare and with mining, kind of very opposite industries so I feel that I can dive right in here. Happy to be here and just learn.

Justin Wood

- I am the new government affairs director for the Clark County Association of Realtors. I'm very excited to be in this position and looking forward to maybe seeing all of you in person next time.

Meeting adjourned: 4:09pm

Meeting minutes prepared by Megan Coomes

Reviewed by